

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 8-12, 14, and 15 have been withdrawn. Claim 16 is currently pending in the present application and subject to examination.

The Examiner rejected claim 16 under 35 U.S.C. § 102(b) as being anticipated by "Low-Temperature Growth of High-Integrity Silicon Oxide Films by Oxygen Radical Generated in High-Density Krypton Plasma" by Hirayama ("Hirayama"). The Applicant respectfully traverses this rejection.

I. **Hirayama is not Prior Art**

The Applicant respectfully submits that Hirayama is not prior art under 35 U.S.C. § 102(b). The present application is a divisional of U.S. Patent Application No. 09/787,435 filed on 3/26/2001, which is based on PCT/JP00/04972 filed on 7/26/2000, which claims priority to both Japanese application 11-241983 filed on 7/26/1999 and Japanese application 11-375973 filed on November 25, 1999. Verified translations of JP 11-241983 and JP 11-375973 are submitted herewith. Thus, the present application has an invention date of at least November 25, 1999.

The present application has an effective U.S. filing date of July 26, 2000 based on the filing date of the international application PCT/JP00/04972. See 35 U.S.C. § 363. Hirayama is an abstract based on the Electron Devices Meeting conducted on December 5-8, 1999. (See attached printouts from the IEEE Xplore website describing the Hirayama). Therefore, the Applicant submits that Hirayama was not published one

year before the effective U.S. filing date of the present application and is not prior art under 35 U.S.C. § 102(b).

The Applicant further submits that the invention date of the present application is at least November 25, 1999 based on the prior Japanese applications, verified translations of which are submitted herewith.

As the invention date of the present application pre-dates the publication date of Hirayama, the Applicant submits that Hirayama does not qualify as prior art under any section of 35 U.S.C. § 102. Therefore, the Applicant respectfully requests the withdrawal of the rejection of claim 16.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited. Should the Examiner determine that further action is necessary to place this application into allowable form, the Examiner is encouraged to telephone the undersigned representative.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, with reference to Attorney

Application No. 10/700,466
Attorney Docket No. 108390-00056

Docket No. 108390-00056.

Respectfully submitted,

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Abstract

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Low-temperature growth of high-integrity silicon oxide films by radical generated in high-density krypton plasma

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This paper appears in: [Electron Devices Meeting, 1999. IEDM Technical Digest. International Publication Date: 1999](#)

On page(s): 249-252

Meeting Date: 12/05/1999 - 12/08/1999

Location: Washington, DC, USA

ISBN: 0-7803-5410-9

References Cited: 10

INSPEC Accession Number: 6506932

Digital Object Identifier: 10.1109/IEDM.1999.823890

Posted online: 2002-08-06 22:53:32.0